

AMENDED IN SENATE MAY 14, 2008

AMENDED IN SENATE APRIL 28, 2008

SENATE BILL

No. 1407

Introduced by Senator Perata
(Coauthor: Senator Corbett)

February 21, 2008

An act to amend Section 6322.1 of the Business and Professions Code, to amend Sections 68085.3, 68085.4, 68086.1, 70372, 70374, 70375, 70603, 70611, 70612, 70613, 70614, 70621, 70650, 70651, 70652, 70653, 70654, 70655, 70656, 70657.5, 70658, and 70670 of, and to add Section 70371.5 to, the Government Code, to amend Section 103470 of the Health and Safety Code, to amend Section 1465.8 of the Penal Code, to amend Section 7660 of the Probate Code, and to amend Section 42007.1 of the Vehicle Code, relating to court facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1407, as amended, Perata. Court facilities: financing.

(1) The Trial Court Facilities Act of 2002 establishes the State Court Facilities Construction Fund and provides that moneys in that fund may be used to acquire, rehabilitate, construct, or finance court facilities, as defined, and to implement trial court projects in designated counties, as specified.

This bill would extend the purposes for which moneys in that fund may be used to include the planning, design, construction, rehabilitation, replacement, leasing, or acquisition of court facilities. ~~The bill would provide that any money in the fund that has been designated for implementation of trial court projects in a particular county shall be available for implementation of trial court projects anywhere within~~

~~the state, as specified.~~ The bill would establish the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, the proceeds of which would be used for the planning, design, construction, rehabilitation, renovation, replacement, or acquisition of court facilities, for the repayment for moneys appropriated for lease of court facilities pursuant to the issuance of lease-revenue bonds, and for the payment for lease or rental of court facilities.

(2) Existing law authorizes the State Public Works Board to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the cost of the construction or renovation and the equipping of public buildings and facilities, as specified. The revenues, rentals, or receipts from the public buildings or facilities or equipment authorized by these provisions is pledged to the payment of the principal of, and the interest on, the certificates, revenue bonds, notes, or anticipation notes issued for that financing. The Legislature is required to authorize the total amount that may be financed.

This bill would authorize the State Public Works Board to issue lease-revenue bonds, notes, or bond anticipation notes pursuant to these provisions in an amount not to exceed \$5,000,000,000 to finance the planning, design, construction, rehabilitation, renovation, replacement, leasing, or acquisition of court facilities, as specified. The bill would require the Judicial Council to make recommendations to the Governor and the Legislature for projects based on its determination that the need for a project is most immediate and critical.

(3) Existing law ~~imposes~~ *specifies* various *uniform* fees for filing specified documents in connection with certain civil proceedings, *including a fee schedule for filing a first petition or first account in connection with a trust or estate.* Existing law also imposes a fee of \$20 upon every conviction for a criminal offense, other than parking offenses, for funding of court security ~~and court facilities~~. Supplemental penalties and fees are imposed upon specified parking offenses and persons ordered to attend traffic violator school. Existing law specifies the disposition of fines and forfeitures, and traffic violator fees, collected by the courts for crimes other than parking violations.

This bill would *generally* increase those fees, ~~and but would eliminate the fee schedule for filing a first petition or first account in connection with a trust or estate and replace it with a set filing fee.~~ The bill would *eliminate certain exemptions from payment of filing fees in connection with an estate.* The bill would provide for a specified portion of *all of* those fees to be deposited into the Immediate and Critical Needs

Account of the State Court Facilities Construction Fund, as described in (1) above. The bill would make other conforming changes.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6322.1 of the Business and Professions
2 Code is amended to read:

3 6322.1. (a) Until the end of the moratorium described in
4 Section 70601 of the Government Code, the board of supervisors
5 of any county may increase, as provided in this section, the amount
6 distributed to its county law library fund from the uniform filing
7 fees listed in Section 6321 whenever it determines that the increase
8 is necessary to defray the expenses of the law library.

9 Any increase in the amount distributed to the law library fund
10 in any county under this subdivision shall not be effective until
11 January 1 of the next year after the adoption by the board of
12 supervisors of the increase. The amount of the increase in any
13 calendar year shall be no greater than three dollars (\$3) over the
14 previous calendar year. A copy of the action of the board of
15 supervisors that establishes the increase shall be provided to the
16 Administrative Office of the Courts as soon as it becomes available
17 but no later than December 15 of the year before the increased
18 distribution goes into effect.

19 (b) Distribution changes after January 1, 2008, shall be
20 determined by the process described in Section 70601 of the
21 Government Code.

22 (c) (1) In an action or proceeding in which a claim for money
23 damages falls within the monetary jurisdiction of the small claims
24 court and is filed by an assignee who is prohibited from filing or
25 maintaining a claim pursuant to Section 116.420 of the Code of
26 Civil Procedure, the uniform filing fee shall be reduced by fifteen
27 dollars (\$15) to one hundred ninety dollars (\$190) if the complaint
28 contains a declaration under penalty of perjury, executed by the
29 party requesting the reduction in fees, that the case qualifies for
30 the lower fee because the claim for money damages will not exceed

1 the monetary jurisdiction of small claims court and is filed by an
2 assignee of the claim.

3 (2) When the uniform filing fee is reduced as provided under
4 this subdivision, the amount distributed from each uniform filing
5 fee to the law library fund in the county shall be as follows:

6		
7	Jurisdiction	Amount
8	Alameda.....	\$12.00
9	Alpine.....	1.00
10	Amador.....	6.00
11	Butte.....	12.00
12	Calaveras.....	7.00
13	Colusa.....	12.00
14	Contra Costa.....	8.00
15	Del Norte.....	6.00
16	El Dorado.....	9.00
17	Fresno.....	9.00
18	Glenn.....	6.00
19	Humboldt.....	12.00
20	Imperial.....	12.00
21	Inyo.....	6.00
22	Kern.....	12.00
23	Kings.....	12.00
24	Lake.....	12.00
25	Lassen.....	12.00
26	Los Angeles.....	5.00
27	Madera.....	12.00
28	Marin.....	12.00
29	Mariposa.....	4.00
30	Mendocino.....	12.00
31	Merced.....	12.00
32	Modoc.....	6.00
33	Mono.....	6.00
34	Monterey.....	10.00
35	Napa.....	12.00
36	Nevada.....	7.00
37	Orange.....	8.00
38	Placer.....	7.00
39	Plumas.....	6.00
40	Riverside.....	12.00

1	Sacramento.....	8.50
2	San Benito.....	6.00
3	San Bernardino.....	12.00
4	San Diego.....	12.00
5	San Francisco.....	12.00
6	San Joaquin.....	10.00
7	San Luis Obispo.....	12.00
8	San Mateo.....	12.00
9	Santa Barbara.....	12.00
10	Santa Clara.....	8.00
11	Santa Cruz.....	12.00
12	Shasta.....	8.50
13	Sierra.....	9.00
14	Siskiyou.....	8.00
15	Solano.....	9.00
16	Sonoma.....	12.00
17	Stanislaus.....	6.50
18	Sutter.....	1.00
19	Tehama.....	9.00
20	Trinity.....	6.00
21	Tulare.....	12.00
22	Tuolumne.....	2.00
23	Ventura.....	12.00
24	Yolo.....	10.00
25	Yuba.....	7.00

26
27 The increases described in subdivision (a) do not apply to the
28 law library distributions in this subdivision.

29 (3) Notwithstanding subdivision (d) of Section 68085.4 of the
30 Government Code, when the uniform filing fee is reduced as
31 provided in this subdivision, the amounts distributed to dispute
32 resolution programs, the State Court Facilities Construction Fund,
33 the Judges' Retirement Fund, children's waiting rooms, and the
34 Equal Access Fund shall remain as provided under subdivisions
35 (b) and (c) of Section 68085.4 of the Government Code and shall
36 not be changed. Only the amounts distributed to the Trial Court
37 Trust Fund and the law libraries shall be adjusted. If the fee is
38 further reduced below one hundred ninety dollars (\$190), as with
39 a partial waiver or partial payment, the proportional reductions

1 described in subdivision (g) of Section 68085.1 of the Government
2 Code shall apply.

3 (d) Distributions under this section to the law library fund in
4 each county shall be used only for the purposes authorized by this
5 chapter.

6 (e) As used in this section and Section 6321, “law library fund”
7 includes a law library account described in the second paragraph
8 of Section 6320.

9 SEC. 2. Section 68085.3 of the Government Code is amended
10 to read:

11 68085.3. (a) Fees collected under Sections 70611, 70612,
12 70650, 70651, 70652, 70653, 70655, and 70670 shall be deposited
13 in a bank account established by the Administrative Office of the
14 Courts for deposit of fees collected by the courts.

15 (b) For each three-hundred-fifty-five-dollar (\$355) fee listed in
16 subdivision (a), and each fee listed in paragraphs (2) to (9),
17 inclusive, of subdivision (a) of Section 70650, the Administrative
18 Office of the Courts shall distribute specified amounts in each
19 county as follows:

20 (1) To the county law library fund, the amount described in
21 Sections 6321 and 6322.1 of the Business and Professions Code.

22 (2) To the account to support dispute resolution programs, the
23 amount described in Section 470.5 of the Business and Professions
24 Code.

25 (c) The remainder of the fees in subdivision (a) shall be
26 transmitted monthly to the Treasurer for deposit. For each
27 three-hundred-fifty-five-dollar (\$355) fee listed in subdivision (a),
28 and each fee listed in paragraphs (2) to (9), inclusive, of subdivision
29 (a) of Section 70650, the Controller shall make deposits as follows:

30 (1) To the State Court Facilities Construction Fund, as provided
31 in Article 6 (commencing with Section 70371) of Chapter 5.7,
32 thirty-five dollars (\$35).

33 (2) To the Immediate and Critical Needs Account of the State
34 Court Facilities Construction Fund, established in Section 70371.5,
35 thirty-five dollars (\$35).

36 (3) To the Judges’ Retirement Fund, as established in Section
37 75100, two dollars and fifty cents (\$2.50).

38 (4) To the Trial Court Trust Fund for use as part of the Equal
39 Access Fund program administered by the Judicial Council, four
40 dollars and eighty cents (\$4.80).

(5) To the Trial Court Trust Fund, as provided in Section 68085.1, the remainder of the fee.

(d) If any of the fees listed in subdivision (a) are reduced or partially waived, the amount of the reduction or partial waiver shall be deducted from the amount to be distributed to each fund or account in the same proportion as the amount of each distribution bears to the total amount of the fee.

(e) As used in this section, “law library fund” includes a law library account described in Section 6320 of the Business and Professions Code.

SEC. 3. Section 68085.4 of the Government Code is amended to read:

68085.4. (a) Fees collected under Sections 70613, 70614, 70621, 70654, 70656, and 70658 of this code, Section 103470 of the Health and Safety Code, and Section 7660 of the Probate Code, shall be deposited in a bank account established by the Administrative Office of the Courts for deposit of fees collected by the courts.

(b) For each three-hundred-thirty-dollar (\$330) fee and each two-hundred-five-dollar (\$205) fee listed in subdivision (a), the Administrative Office of the Courts shall distribute specified amounts in each county as follows:

(1) To the county law library fund, the amount described in Sections 6321 and 6322.1 of the Business and Professions Code.

(2) To the account to support dispute resolution programs, the amount described in Section 470.5 of the Business and Professions Code.

(c) The remainder of the fees in subdivision (a) shall be transmitted monthly to the Treasurer for deposit. For each three-hundred-thirty-dollar (\$330) fee and each two-hundred-five-dollar (\$205) fee listed in subdivision (a), the Controller shall make deposits as follows:

(1) To the State Court Facilities Construction Fund, as provided in Article 6 (commencing with Section 70371) of Chapter 5.7, twenty-five dollars (\$25) if the fee is three hundred thirty dollars (\$330), and twenty dollars (\$20) if the fee is two hundred five dollars (\$205).

(2) To the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5, thirty dollars (\$30) if the fee is three hundred thirty dollars (\$330),

1 and twenty-five dollars (\$25) if the fee is two hundred five dollars
2 (\$205).

3 (3) To the Judges' Retirement Fund, as established in Section
4 75100, two dollars and fifty cents (\$2.50).

5 (4) To the Trial Court Trust Fund for use as part of the Equal
6 Access Fund program administered by the Judicial Council, four
7 dollars and eighty cents (\$4.80).

8 (5) To the Trial Court Trust Fund, as provided in Section
9 68085.1, the remainder of the fee.

10 (d) If any of the fees listed in subdivision (a) are reduced or
11 partially waived, the amount of the reduction or partial waiver
12 shall be deducted from the amount to be distributed to each fund
13 or account in the same proportion as the amount of each
14 distribution bears to the total amount of the fee.

15 (e) As used in this section, "law library fund" includes a law
16 library account described in Section 6320 of the Business and
17 Professions Code.

18 SEC. 4. Section 68086.1 of the Government Code is amended
19 to read:

20 68086.1. (a) Commencing January 1, 2006, for each
21 three-hundred-fifty-five-dollar (\$355) fee collected under Section
22 70611, 70612, or 70670, twenty-five dollars (\$25) of the amount
23 distributed to the Trial Court Trust Fund shall be used for services
24 of an official court reporter in civil proceedings.

25 (b) Commencing January 1, 2006, for each
26 three-hundred-thirty-dollar (\$330) fee collected under subdivision
27 (a) of Section 70613 or subdivision (a) of Section 70614,
28 twenty-five dollars (\$25) of the amount distributed to the Trial
29 Court Trust Fund shall be used for services of an official court
30 reporter in civil proceedings.

31 (c) It is the intent of the Legislature, in approving the
32 twenty-five-dollar (\$25) distribution out of each filing fee listed
33 in subdivisions (a) and (b), to continue an incentive to courts to
34 use the services of an official court reporter in civil proceedings.
35 However, nothing in this section shall affect the Judicial Council's
36 authority to allocate these revenues to replace reductions in the
37 General Fund appropriation to the Trial Court Trust Fund.

38 (d) The portion of the distribution to the Trial Court Trust Fund
39 to be used for services of an official court reporter in civil
40 proceedings pursuant to subdivisions (a) and (b) shall be used only

1 in trial courts that utilize the services of an official court reporter
2 in civil proceedings.

3 SEC. 5. Section 70371.5 is added to the Government Code, to
4 read:

5 70371.5. (a) There is hereby established the Immediate and
6 Critical Needs Account of the State Court Facilities Construction
7 Fund, the proceeds of which shall only be used for any of the
8 following:

9 (1) The planning, design, construction, rehabilitation, renovation,
10 replacement, or acquisition of court facilities, including, but not
11 limited to, equipment, furniture, and furnishings for those facilities
12 and related project costs.

13 (2) Repayment for moneys appropriated for lease of court
14 facilities pursuant to the issuance of lease-revenue bonds.

15 (3) Payment for lease or rental of court facilities, including those
16 made for facilities in which one or more private sector participants
17 undertake some of the risks associated with the financing, design,
18 construction, or operation of the facility.

19 (b) Any moneys expended from the Immediate and Critical
20 Needs Account are not subject to Section 77202.

21 SEC. 6. Section 70372 of the Government Code is amended
22 to read:

23 70372. (a) (1) Except as otherwise provided in subdivision
24 (b) of Section 70375 and in this article, there shall be levied a state
25 court construction penalty, in the amount of five dollars (\$5) for
26 every ten dollars (\$10), or part of ten dollars (\$10), upon every
27 fine, penalty, or forfeiture imposed and collected by the courts for
28 all criminal offenses, including, but not limited to, all offenses
29 involving a violation of a section of the Fish and Game Code, the
30 Health and Safety Code, or the Vehicle Code or any local ordinance
31 adopted pursuant to the Vehicle Code. This penalty is in addition
32 to any other state or local penalty, including, but not limited to,
33 the penalty provided by Section 1464 of the Penal Code and
34 Section 76000.

35 (2) The amount of the court construction penalty may be reduced
36 by a county as provided in subdivision (b) of Section 70375.

37 (3) This construction penalty does not apply to the following:

38 (A) Any restitution fine.

39 (B) Any penalty authorized by Section 1464 of the Penal Code
40 or Chapter 12 (commencing with Section 76000) of Title 8.

1 (C) Any parking offense subject to Article 3 (commencing with
2 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

3 (D) The state surcharge authorized by Section 1465.7 of the
4 Penal Code.

5 (4) Any bail schedule adopted pursuant to Section 1269b of the
6 Penal Code or adopted by the Judicial Council pursuant to Section
7 40310 of the Vehicle Code may include the necessary amount to
8 pay the penalty established by this section, the penalties authorized
9 by Section 1464 of the Penal Code and Chapter 12 (commencing
10 with Section 76000) of Title 8, and the surcharge authorized by
11 Section 1465.7 of the Penal Code for all matters where a personal
12 appearance is not mandatory and the bail is posted primarily to
13 guarantee payment of the fine. After a determination by the court
14 of the amount due, the clerk of the court shall collect the penalty
15 and transmit it immediately to the county treasury and the county
16 treasurer shall transmit these sums as provided in subdivision (f).

17 (b) In addition to the penalty provided by subdivision (a), for
18 every parking offense where a parking penalty, fine, or forfeiture
19 is imposed, an added state court construction penalty of three
20 dollars and fifty cents (\$3.50) shall be included in the total penalty,
21 fine, or forfeiture. These moneys shall be taken from fines and
22 forfeitures deposited with the county treasurer prior to any division
23 pursuant to Section 1462.3 or 1463.009 of the Penal Code. In those
24 cities, districts, or other issuing agencies which elect to accept
25 parking penalties, and otherwise process parking violations
26 pursuant to Article 3 (commencing with Section 40200) of Chapter
27 1 of Division 17 of the Vehicle Code, that city, district, or issuing
28 agency shall observe the increased bail amounts as established by
29 the court reflecting the added penalty provided for by this section.
30 Each agency which elects to process parking violations shall pay
31 to the county treasurer three dollars and fifty cents (\$3.50) for the
32 parking penalty imposed by this section for each violation which
33 is not filed in court. Those payments to the county treasurer shall
34 be made monthly, and the county treasurer shall transmit these
35 sums as provided in subdivision (f).

36 (c) Where multiple offenses are involved, the state court
37 construction penalty shall be based upon the total fine or bail for
38 each case. When a fine is suspended, in whole or in part, the state
39 court construction penalty shall be reduced in proportion to the
40 suspension.

(d) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state court construction penalty prescribed by this section for forfeited bail. If bail is returned, the state court construction penalty paid thereon pursuant to this section shall also be returned.

(e) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state court construction penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(f) (1) Within 45 days after the end of the month that moneys are deposited in the county treasury pursuant to subdivision (a), the county treasurer shall transmit the moneys to the ~~State~~ Controller, to be deposited as follows:

(A) The total to be deposited pursuant to subdivision (a) shall be multiplied by a fraction, ~~the numerator of which is the amount, if any, collected for deposit into the local courthouse construction fund in that county established pursuant to Section 76100, and the denominator of which is five (5).~~ as follows:

(i) *The numerator is the amount imposed as an additional penalty on every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture, if any, for deposit into the local courthouse construction fund in that county established pursuant to Sections 76000 and 76100. The numerator shall be expressed in whole dollars and fractions of a dollar.*

(ii) *The denominator is five dollars (\$5).*

(B) The resulting amount shall be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5.

(C) The remaining amount of the deposit shall be deposited in the State Court Facilities Construction Fund.

(2) Within 45 days after the end of the month that moneys are deposited in the county treasury pursuant to subdivision (b), the county treasurer shall transmit the moneys to the ~~State~~ Controller to be deposited as follows: three-sevenths of the total amount shall be deposited in the State Court Facilities Construction Fund and four-sevenths of the total amount shall be deposited in the

1 Immediate and Critical Needs Account of the State Court Facilities
2 Construction Fund, established in Section 70371.5.

3 ~~SEC. 7. Section 70374 of the Government Code is amended~~
4 ~~to read:~~

5 ~~70374. (a) The Judicial Council shall annually recommend to~~
6 ~~the Governor and the Legislature the amount proposed to be spent~~
7 ~~for projects paid for with money in the State Court Facilities~~
8 ~~Construction Fund. The use of the appropriated money is subject~~
9 ~~to subdivision (f) of Section 70391.~~

10 ~~(b) Acquisition and construction of court facilities shall be~~
11 ~~subject to the State Building Construction Act of 1955~~
12 ~~(commencing with Section 15800) and the Property Acquisition~~
13 ~~Law (commencing with Section 15850), except that, (1)~~
14 ~~notwithstanding any other provision of law, the Administrative~~
15 ~~Office of the Courts shall serve as an implementing agency upon~~
16 ~~approval of the Department of Finance, and (2) the provisions of~~
17 ~~subdivision (e) shall prevail. Acquisition and construction of~~
18 ~~facilities are not subject to the provisions of the Public Contract~~
19 ~~Code, but shall be subject to facilities contracting policies and~~
20 ~~procedures adopted by the Judicial Council after consultation and~~
21 ~~review by the Department of Finance.~~

22 ~~(c) Money in the State Court Facilities Construction Fund shall~~
23 ~~only be used for either of the following:~~

24 ~~(1) The planning, design, construction, rehabilitation, renovation,~~
25 ~~replacement, leasing, or acquisition of court facilities, as defined~~
26 ~~by subdivision (e) of Section 70302, including, but not limited to,~~
27 ~~equipment, furniture, and furnishings for those facilities, and~~
28 ~~related project costs.~~

29 ~~(2) The rehabilitation of one or more existing court facilities in~~
30 ~~conjunction with the construction, acquisition, or financing of one~~
31 ~~or more new court facilities.~~

32 ~~(d) Any money deposited in the State Court Facilities~~
33 ~~Construction Fund that has been designated for implementation~~
34 ~~of trial court projects in a particular county pursuant to former~~
35 ~~subdivision (d) of this section, shall be available for implementation~~
36 ~~of trial court projects anywhere within the state unless the money~~
37 ~~has been encumbered prior to January 1, 2009.~~

38 ~~(e) The following provisions shall prevail over provisions of~~
39 ~~the State Building Construction Act of 1955 (Part 10.6~~

1 ~~(commencing with Section 15800) of Division 3 of Title 2) in~~
2 ~~regard to buildings subject to this section.~~

3 ~~(1) The Administrative Office of the Courts shall be responsible~~
4 ~~for the operation, including, but not limited to, the maintenance~~
5 ~~and repair, of all court facilities whose title is held by the state.~~
6 ~~Notwithstanding Section 15807, the operation of buildings under~~
7 ~~this section shall be the responsibility of the Judicial Council.~~

8 ~~(2) Notwithstanding Section 15808.1, the Judicial Council shall~~
9 ~~have the responsibility for determining whether a building under~~
10 ~~this act shall be located within or outside of an existing public~~
11 ~~transit corridor.~~

12 ~~(3) The buildings under this section are subject to Section~~
13 ~~15814.12 concerning cogeneration and alternative energy sources~~
14 ~~at the request of, or with the consent of, the Judicial Council. Any~~
15 ~~building acquired by the state pursuant to this section on or before~~
16 ~~July 1, 2007, is not subject to subdivision (b) of Section 15814.12~~
17 ~~concerning acquiring of cogeneration or alternative energy~~
18 ~~equipment if the building when acquired, already had cogeneration~~
19 ~~or alternative energy equipment. Section 15814.17 only applies to~~
20 ~~buildings to which the Judicial Council has given its consent under~~
21 ~~subdivision (a) of Section 15814.12.~~

22 ~~(f) The State Public Works Board may issue lease-revenue~~
23 ~~bonds, notes, or bond anticipation notes pursuant to Chapter 5~~
24 ~~(commencing with Section 15830) of Part 10b of Division 3 of~~
25 ~~Title 2 in an amount not to exceed five billion dollars~~
26 ~~(\$5,000,000,000) to finance the planning, design, construction,~~
27 ~~rehabilitation, renovation, replacement, leasing, or acquisition of~~
28 ~~court facilities, including, but not limited to, equipment, furniture,~~
29 ~~and furnishings for those facilities, and related project costs. The~~
30 ~~Judicial Council shall make recommendations to the Governor and~~
31 ~~the Legislature for projects based on its determination that the need~~
32 ~~for a project is most immediate and critical using the then most~~
33 ~~recent version of the Prioritization Methodology for Trial Court~~
34 ~~Capital-Outlay Projects originally adopted on August 26, 2006.~~

35 ~~(g) The State Public Works Board and the Judicial Council may~~
36 ~~obtain interim financing for the project costs authorized in~~
37 ~~subdivision (f) from any appropriate source, including, but not~~
38 ~~limited to, the Pooled Money Investment Account pursuant to~~
39 ~~Sections 16312 and 16313.~~

~~(h) The Judicial Council is authorized and directed to execute and deliver any and all leases, contracts, agreements, or other documents necessary or advisable to consummate the sale of bonds or otherwise effectuate the financing of the projects authorized under subdivision (f).~~

~~(i) The State Public Works Board may authorize the augmentation of the cost of construction of the projects authorized under subdivision (f) pursuant to that board's authority under Section 13332.11. In addition, the board may authorize any additional amount necessary to establish a reasonable construction reserve and to pay the cost of financing including the payment of interest during the design and construction of the projects, the costs of financing a debt service fund, and the cost of issuance of permanent financing for the projects. This additional amount may include interest payable on any interim financing obtained.~~

~~(j) In the event that the bonds authorized for projects in subdivision (f) are not sold, the Judicial Council shall commit a sufficient portion of its current support appropriation, as determined by the Department of Finance, to repay any interim financing. It is the intent of the Legislature that this commitment be made until all interim financing is repaid either through the proceeds of the sale of bonds or from an appropriation.~~

~~(k) The State Public Works Board shall not itself be deemed a lead or responsible agency for purposes of the California Environmental Quality Act as set forth in Division 13 (commencing with Section 21000) of the Public Resources Code for any activities under the State Building Construction Act of 1955 as set forth in Part 10b (commencing with Section 15800) of Division 3 of Title 2. This subdivision does not exempt the Judicial Council or any other agency from the requirements of the California Environmental Quality Act.~~

SEC. 7. Section 70374 of the Government Code, as amended by Section 5 of Chapter 9 of the Statutes of 2008, is amended to read:

70374. (a) The Judicial Council shall annually recommend to the Governor and the Legislature the amount proposed to be spent for projects paid for with money in the State Court Facilities Construction Fund. The use of the appropriated money is subject to subdivision (l) of Section 70391.

(b) Acquisition and construction of court facilities shall be subject to the State Building Construction Act of 1955 (commencing with Section 15800) and the Property Acquisition Law (commencing with Section 15850), except that, (1) notwithstanding any other provision of law, the Administrative Office of the Courts shall serve as an implementing agency upon approval of the Department of Finance, and (2) the provisions of subdivision (e) shall prevail. Acquisition and construction of facilities are not subject to the provisions of the Public Contract Code, but shall be subject to facilities contracting policies and procedures adopted by the Judicial Council after consultation and review by the Department of Finance.

(c) Money in the State Court Facilities Construction Fund shall only be used for either of the following:

~~(1) To acquire, rehabilitate, construct, or finance~~ *The planning, design, construction, rehabilitation, renovation, replacement, leasing, or acquisition of court facilities, as defined by subdivision (d) of Section 70301, including, but not limited to, equipment, furniture, and furnishings for those facilities, and related project costs.*

~~(2) To rehabilitate~~ *The rehabilitation of one or more existing court facilities in conjunction with the construction, acquisition, or financing of one or more new court facilities.*

(d) ~~(1)~~ Except as provided in Section 70374.2 and paragraph ~~(2)~~ of this subdivision, 25 percent of all money collected for the State Court Facilities Construction Fund from any county shall be designated for implementation of trial court projects in that county. The Judicial Council shall determine the local projects after consulting with the trial court in that county and based on the locally approved trial court facilities master plan for that county.

~~(2)~~ *Paragraph (1) shall not apply to money that has been deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5.*

(e) The following provisions shall prevail over provisions of the State Building Construction Act of 1955 (Part ~~10.6~~ *10b* (commencing with Section 15800) of Division 3 of Title 2) in regard to buildings subject to this section.

(1) The Administrative Office of the Courts shall be responsible for the operation, including, but not limited to, the maintenance and repair, of all court facilities whose title is held by the state.

1 Notwithstanding Section 15807, the operation of buildings under
2 this section shall be the responsibility of the Judicial Council.

3 (2) Notwithstanding Section 15808.1, the Judicial Council shall
4 have the responsibility for determining whether a building under
5 this act shall be located within or outside of an existing public
6 transit corridor.

7 (3) The buildings under this section are subject to Section
8 15814.12 concerning cogeneration and alternative energy sources
9 at the request of, or with the consent of, the Judicial Council. Any
10 building acquired by the state pursuant to this section on or before
11 July 1, 2007, is not subject to subdivision (b) of Section 15814.12
12 concerning acquiring of cogeneration or alternative energy
13 equipment if the building, when acquired, already had cogeneration
14 or alternative energy equipment. Section 15814.17 only applies to
15 buildings to which the Judicial Council has given its consent under
16 subdivision (a) of Section 15814.12.

17 (f) *The State Public Works Board may issue lease-revenue*
18 *bonds, notes, or bond anticipation notes pursuant to Chapter 5*
19 *(commencing with Section 15830) of Part 10b of Division 3 of*
20 *Title 2 in an amount not to exceed five billion dollars*
21 *(\$5,000,000,000) to finance the planning, design, construction,*
22 *rehabilitation, renovation, replacement, leasing, or acquisition of*
23 *court facilities, including, but not limited to, equipment, furniture,*
24 *and furnishings for those facilities, and related project costs. The*
25 *Judicial Council shall make recommendations to the Governor*
26 *and the Legislature for projects based on its determination that*
27 *the need for a project is most immediate and critical using the then*
28 *most recent version of the Prioritization Methodology for Trial*
29 *Court Capital-Outlay Projects originally adopted on August 26,*
30 *2006.*

31 (g) *The State Public Works Board and the Judicial Council may*
32 *obtain interim financing for the project costs authorized in*
33 *subdivision (f) from any appropriate source, including, but not*
34 *limited to, the Pooled Money Investment Account pursuant to*
35 *Sections 16312 and 16313.*

36 (h) *The Judicial Council is authorized and directed to execute*
37 *and deliver any and all leases, contracts, agreements, or other*
38 *documents necessary or advisable to consummate the sale of bonds*
39 *or otherwise effectuate the financing of the projects authorized*
40 *under subdivision (f).*

1 (i) *The State Public Works Board may authorize the*
2 *augmentation of the cost of construction of the projects authorized*
3 *under subdivision (f) pursuant to that board's authority under*
4 *Section 13332.11. In addition, the board may authorize any*
5 *additional amount necessary to establish a reasonable construction*
6 *reserve and to pay the cost of financing, including the payment of*
7 *interest during the design and construction of the projects, the*
8 *costs of financing a debt service fund, and the cost of issuance of*
9 *permanent financing for the projects. This additional amount may*
10 *include interest payable on any interim financing obtained.*

11 (j) *In the event that the bonds authorized for projects in*
12 *subdivision (f) are not sold, the Judicial Council shall commit a*
13 *sufficient portion of its current support appropriation, as*
14 *determined by the Department of Finance, to repay any interim*
15 *financing. It is the intent of the Legislature that this commitment*
16 *be made until all interim financing is repaid either through the*
17 *proceeds of the sale of bonds or from an appropriation.*

18 (k) *The State Public Works Board shall not itself be deemed a*
19 *lead or responsible agency for purposes of the California*
20 *Environmental Quality Act as set forth in Division 13 (commencing*
21 *with Section 21000) of the Public Resources Code for any activities*
22 *under the State Building Construction Act of 1955 as set forth in*
23 *Part 10b (commencing with Section 15800) of Division 3 of Title*
24 *2. This subdivision does not exempt the Judicial Council or any*
25 *other agency from the requirements of the California*
26 *Environmental Quality Act.*

27 SEC. 8. Section 70375 of the Government Code is amended
28 to read:

29 70375. (a) This article shall take effect on January 1, 2003,
30 and the fund, penalty, and fee assessment established by this article
31 shall become operative on January 1, 2003, except as otherwise
32 provided in this article.

33 (b) In each county, the five-dollar (\$5) penalty amount
34 authorized by subdivision (a) of Section 70372 shall be reduced
35 by the amount collected for transmission to the state for inclusion
36 in the Transitional State Court Facilities Construction Fund
37 established pursuant to Section 70401 to the extent it is funded by
38 money from the local courthouse construction fund.

39 (c) The authority for all of the following shall expire
40 proportionally on the June 30th following the date of transfer of

responsibility for facilities from the county to the Judicial Council, except so long as money is needed to pay for construction provided for in those sections and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council:

(1) An additional penalty for a local courthouse construction fund established pursuant to Section 76100.

(2) A filing fee surcharge in the County of Riverside established pursuant to Section 70622.

(3) A filing fee surcharge in the County of San Bernardino established pursuant to Section 70624.

(4) A filing fee surcharge in the City and County of San Francisco established pursuant to Section 70625.

(d) For purposes of subdivision (c), the term “proportionally” means that proportion of the fee or surcharge that shall expire upon the transfer of responsibility for a facility that is the same proportion as the square footage that facility bears to the total square footage of court facilities in that county.

SEC. 9. Section 70603 of the Government Code is amended to read:

70603. (a) Except as provided in this section, the fees charged for filings and services under this chapter are intended to be uniform statewide and to be the only allowable fees for those services and filings. The only charges that may be added to the fees in this chapter are the following:

(1) In a complex case, the fee provided for in Section 70616 may be added to the first paper and first responsive paper filing fees in Sections 70611, 70612, 70613, and 70614.

(2) In an unlawful detainer action subject to Section 1161.2 of the Code of Civil Procedure, a charge of fifteen dollars (\$15) as provided under that section may be added to the fee in Section 70613 for filing a first appearance by a plaintiff.

(3) In Riverside County, a surcharge as provided in Section 70622 may be added to the first paper and first responsive paper filing fees in Sections 70611, 70612, 70613, 70614, 70650, 70651, 70652, 70653, 70655, and 70670.

(4) In San Bernardino County, a surcharge as provided in Section 70624 may be added to the first paper and first responsive paper filing fees in Sections 70611, 70612, 70613, 70614, 70650, 70651, 70652, 70653, 70655, and 70670. This paragraph applies to fees collected under Sections 70611, 70612, 70613, 70614,

1 70650, 70651, 70652, 70653, 70655, and 70670, beginning January
2 1, 2006.

3 (5) In the City and County of San Francisco, a surcharge as
4 provided in Section 70625 may be added to the first paper and first
5 responsive paper filing fees in Sections 70611, 70612, 70613,
6 70614, 70650, 70651, 70652, 70653, 70655, and 70670.

7 (b) Notwithstanding paragraph (1) of subdivision (c) of Section
8 68085.3 and paragraph (1) of subdivision (c) of Section 68085.4,
9 when a charge for courthouse construction in the County or City
10 and County of San Francisco, Riverside, or San Bernardino is
11 added to the uniform filing fee as provided under paragraph (3),
12 (4), or (5) of subdivision (a), the amount distributed to the State
13 Court Facilities Construction Fund under Section 68085.3 or
14 68085.4 shall be reduced by an amount equal to the charge added
15 under paragraph (3), (4), or (5) of subdivision (a), up to the amount
16 that would otherwise be distributed to the State Court Facilities
17 Construction Fund. If the amount added under paragraph (3), (4),
18 or (5) of subdivision (a) is greater than the amount that would be
19 distributed to the State Court Facilities Construction Fund under
20 Section 68085.3 or 68085.4, no distribution shall be made to the
21 State Court Facilities Construction Fund, but the amount charged
22 to the party may be greater than the amount of the uniform fee
23 otherwise allowed, in order to collect the surcharge under paragraph
24 (3), (4), or (5) of subdivision (a).

25 (c) If a filing fee is reduced by fifteen dollars (\$15) under
26 subdivision (c) of Section 6322.1 of the Business and Professions
27 Code, and a courthouse construction surcharge is added to the
28 filing fee as provided under paragraph (3), (4), or (5) of subdivision
29 (a), the amount distributed to the State Court Facilities Construction
30 Fund under Section 68085.4 shall be reduced as provided in
31 subdivision (b). If the amount added under paragraph (3), (4), or
32 (5) of subdivision (a) is greater than the amount that would be
33 distributed to the State Court Facilities Construction Fund under
34 Section 68085.4, no distribution shall be made to the State Court
35 Facilities Construction Fund, but the amount charged to the party
36 may be greater than one hundred ninety dollars (\$190), in order
37 to collect the surcharge under paragraph (3), (4), or (5) of
38 subdivision (a).

39 SEC. 10. Section 70611 of the Government Code is amended
40 to read:

1 70611. The uniform fee for filing the first paper in a civil action
2 or proceeding in the superior court, other than in a limited civil
3 case, an adoption proceeding, a proceeding under the Probate Code,
4 or a proceeding under the Family Code, is three hundred fifty-five
5 dollars (\$355). The fee shall be distributed as provided in Section
6 68085.3.

7 This section applies to the initial complaint, petition, or
8 application, and the papers transmitted from another court on the
9 transfer of a civil action or proceeding, but does not include
10 documents filed pursuant to Section 491.150, 704.750, or 708.160
11 of the Code of Civil Procedure.

12 SEC. 11. Section 70612 of the Government Code is amended
13 to read:

14 70612. (a) The uniform fee for filing the first paper in the
15 action or proceeding described in Section 70611 on behalf of any
16 defendant, intervenor, respondent, or adverse party, whether
17 separately or jointly, except for the purpose of making disclaimer,
18 is three hundred fifty-five dollars (\$355). The fee shall be
19 distributed as provided in Section 68085.3.

20 (b) As used in this section, the term “paper” does not include a
21 stipulation for the appointment of a temporary judge or of a court
22 investigator, or the report made by the court investigator.

23 SEC. 12. Section 70613 of the Government Code is amended
24 to read:

25 70613. (a) The uniform fee for filing the first paper in a limited
26 civil case is three hundred thirty dollars (\$330), except as provided
27 in subdivision (b).

28 (b) In a case where the amount demanded, excluding attorney’s
29 fees and costs, is ten thousand dollars (\$10,000) or less, the uniform
30 fee for filing the first paper is two hundred five dollars (\$205).
31 The first page of the first paper shall state whether the amount
32 demanded exceeds or does not exceed ten thousand dollars
33 (\$10,000).

34 (c) This section applies to the initial complaint, petition, or
35 application, and any papers transmitted from another court on the
36 transfer of a civil action or proceeding, but does not include
37 documents filed pursuant to Section 491.150, 704.750, or 708.160
38 of the Code of Civil Procedure.

39 (d) The fee for a paper filed under this section shall be
40 distributed as provided in Section 68085.4.

(e) The fee shall be waived in any action for damages against a defendant, based upon the defendant's commission of a felony offense, upon presentation to the clerk of the court of a certified copy of the abstract of judgment of conviction of the defendant of the felony giving rise to the claim for damages. If the plaintiff would have been entitled to recover those fees from the defendant had they been paid, the court may assess the amount of the waived fees against the defendant and order the defendant to pay that sum to the court.

SEC. 13. Section 70614 of the Government Code is amended to read:

70614. (a) The uniform fee for filing the first paper in a limited civil case on behalf of any party other than a plaintiff is three hundred thirty dollars (\$330), except as provided in subdivision (b).

(b) In a case where the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less, the uniform fee for filing the first paper is two hundred five dollars (\$205).

(c) The fees in this section do not apply to papers filed for the purpose of making disclaimer.

(d) The fee for a paper filed under this section shall be distributed as provided in Section 68085.4.

SEC. 14. Section 70621 of the Government Code is amended to read:

70621. (a) (1) The fee for filing a notice of appeal to the appellate division of the superior court in a limited civil case is three hundred thirty dollars (\$330), except as provided in subdivision (b).

(2) The fee for filing a petition for a writ within the original jurisdiction of the appellate division of the superior court is three hundred thirty dollars (\$330), except as provided in subdivision (b).

(b) If the amount demanded in the limited civil case, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less, the fee for filing a petition for a writ or a notice of appeal to the appellate division of the superior court is two hundred five dollars (\$205).

(c) The fees provided for in this section shall be distributed as provided in Section 68085.4.

(d) The Judicial Council may make rules governing the time and method of payment of the fees in this section and providing for excuse.

SEC. 15. Section 70650 of the Government Code is amended to read:

70650. (a) The uniform filing fee for the first petition for letters of administration or letters testamentary, or the first petition for special letters of administration with the powers of a general personal representative pursuant to Section 8545 of the Probate Code, or a first account of a trustee of a testamentary trust that is subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code is, as follows: *Code, is three hundred fifty-five dollars (\$355).*

~~(1) Three hundred fifty-five dollars (\$355) for estates or trusts under two hundred fifty thousand dollars (\$250,000).~~

~~(2) Four hundred twenty dollars (\$420) for estates or trusts of at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000).~~

~~(3) Five hundred twenty dollars (\$520) for estates or trusts of at least five hundred thousand dollars (\$500,000) and less than seven hundred fifty thousand dollars (\$750,000).~~

~~(4) Six hundred seventy dollars (\$670) for estates or trusts of at least seven hundred fifty thousand dollars (\$750,000) and less than one million dollars (\$1,000,000).~~

~~(5) One thousand one hundred seventy dollars (\$1,170) for estates or trusts of at least one million dollars (\$1,000,000) and less than one million five hundred thousand dollars (\$1,500,000).~~

~~(6) Two thousand one hundred seventy dollars (\$2,170) for estates or trusts of at least one million five hundred thousand dollars (\$1,500,000) and less than two million dollars (\$2,000,000).~~

~~(7) Two thousand six hundred seventy dollars (\$2,670) for estates or trusts of at least two million dollars (\$2,000,000) and less than two million five hundred thousand dollars (\$2,500,000).~~

~~(8) Three thousand six hundred seventy dollars (\$3,670) for estates or trusts of at least two million five hundred thousand dollars (\$2,500,000) and less than three million five hundred thousand dollars (\$3,500,000).~~

~~(9) Three thousand six hundred seventy dollars (\$3,670) plus 0.2 percent of the amount over three million five hundred thousand~~

1 dollars (\$3,500,000) for estates or trusts of three million five
2 hundred thousand dollars (\$3,500,000) or more.

3 ~~(b) The full uniform filing fee for a petition for letters in a~~
4 ~~decedent's estate or the first account of a trustee under subdivision~~
5 ~~(a) shall be determined based on the final appraised value of the~~
6 ~~estate without reference to encumbrances or other obligations on~~
7 ~~estate property, or the value of the trust shown in the first account,~~
8 ~~and is payable as follows:~~

9 ~~(1) The petitioner for letters under subdivision (a) shall pay the~~
10 ~~sum of three hundred fifty-five dollars (\$355) at the time of filing~~
11 ~~the petition.~~

12 ~~(2) In a decedent's estate under subdivision (a), the balance of~~
13 ~~the uniform filing fee, if any, shall be paid by the general personal~~
14 ~~representative of the estate no later than the date the general~~
15 ~~personal representative files its final account or report and petition~~
16 ~~for settlement or for final distribution, under rules adopted by the~~
17 ~~Judicial Council, without regard to whether the representative was~~
18 ~~appointed by the court on a petition under subdivision (a) or a~~
19 ~~petition under subdivision (d).~~

20 ~~(3) The full uniform filing fee for a trust under subdivision (a)~~
21 ~~shall be paid when the first account is filed.~~

22 ~~(e)~~

23 ~~(b) The uniform filing fee for the first objections to the probate~~
24 ~~of any will or codicil under Section 8250 of the Probate Code, or~~
25 ~~the first petition for revocation of probate of any will or codicil~~
26 ~~under Section 8270 of the Probate Code, is three hundred fifty-five~~
27 ~~dollars (\$355). The uniform filing fee for the first petition for~~
28 ~~special letters of administration without the powers of a general~~
29 ~~personal representative is the fee provided in Section 70657.5.~~
30 ~~Where objections to the probate of a will or codicil or a petition~~
31 ~~for revocation of probate of a will or codicil are filed together with~~
32 ~~a petition for appointment of a personal representative described~~
33 ~~in subdivision-(d) (c) filed by the same person, only the fee~~
34 ~~provided in subdivision-(d) (c) shall be charged to that person.~~

35 ~~(d)~~

36 ~~(c) A fee of three hundred fifty-five dollars (\$355) shall also be~~
37 ~~charged for filing each subsequent petition or objections of a type~~
38 ~~described in subdivision (a) in the same proceeding by a person~~
39 ~~other than the original petitioner or contestant. The same fee as~~
40 ~~provided in subdivision-(e) (b) shall be charged for filing each~~

1 subsequent petition or objections of a type described in that
2 subdivision in the same proceeding by a person other than the
3 original petitioner or contestant.

4 ~~(e)~~

5 (d) Notwithstanding Section 70658.5, if a petition for special
6 letters of administration without the powers of a general personal
7 representative is filed together with a petition for appointment of
8 an administrator with general powers under subdivision (a) or
9 ~~subdivision (d)~~ (c) by the same person, the person filing the
10 petitions shall be charged the applicable filing fees for both
11 petitions.

12 ~~(f)~~

13 (e) The first three hundred fifty-five dollars (\$355) of the filing
14 fee charged under this section shall be distributed as provided in
15 Section 68085.3. The remainder shall be distributed to the Trial
16 Court Trust Fund.

17 SEC. 16. Section 70651 of the Government Code is amended
18 to read:

19 70651. (a) The uniform filing fee for objections or any other
20 paper in opposition to a petition or ~~account~~ described in subdivision
21 (a) of Section 70650, other than a petition described in subdivision
22 ~~(d)~~ (c) of Section 70650, is three hundred fifty-five dollars (\$355).
23 If objections or any other paper in opposition are filed together
24 with a petition described in subdivision ~~(d)~~ (c) of Section 70650
25 by the same person, only the fee provided in subdivision ~~(d)~~ (c)
26 of Section 70650 shall be charged to that person.

27 (b) The uniform filing fee charged under this section shall be
28 distributed as provided in Section 68085.3.

29 SEC. 17. Section 70652 of the Government Code is amended
30 to read:

31 70652. (a) The uniform filing fee for each petition concerning
32 the internal affairs of a trust under Chapter 3 (commencing with
33 Section 17200) of Part 5 of Division 9 of the Probate Code, *or a*
34 *first account of a trustee of a testamentary trust that is subject to*
35 *the continuing jurisdiction of the court pursuant to Chapter 4*
36 *(commencing with Section 17300) of Part 5 of Division 9 of the*
37 *Probate Code*, is three hundred fifty-five dollars (\$355).

38 (b) The uniform filing fee for each paper filed in opposition to
39 a petition *or first account of a trustee of a testamentary trust* under
40 subdivision (a) is three hundred fifty-five dollars (\$355).

1 (c) To avoid hardship, or for other good cause, the court may
2 direct the clerk of the court to refund all or any part of a filing fee
3 paid under this section.

4 (d) This section does not apply to petitions or opposition filed
5 concerning trusts created by court order under Article 10
6 (commencing with Section 2580) of Chapter 6 of Part 3 of Division
7 4 of the Probate Code, Article 1 (commencing with Section 3100)
8 of Chapter 3 of Part 6 of Division 4 of the Probate Code, Article
9 1 (commencing with Section 3600) of Chapter 4 of Part 8 of
10 Division 4 of the Probate Code, ~~or first accounts or opposition to~~
11 ~~first accounts of testamentary trustees described in Sections 70650~~
12 ~~and 70651.~~

13 ~~(e) The uniform filing fee charged under this section shall be~~
14 ~~distributed as provided in Section 68085.3.~~

15 SEC. 18. Section 70653 of the Government Code is amended
16 to read:

17 70653. (a) The uniform filing fee for a petition for appointment
18 of a conservator, a guardian of the estate, or a guardian of the
19 person and estate, pursuant to Division 4 (commencing with
20 Section 1400) of the Probate Code, is three hundred fifty-five
21 dollars (\$355).

22 (b) Except as provided in subdivision (f), the uniform filing fee
23 for objections or any other paper in opposition to a petition under
24 subdivision (a) or (d) is three hundred fifty-five dollars (\$355).

25 (c) If a competing petition for appointment of a guardian or
26 conservator subject to the fee under subdivision (a) is filed together
27 with opposition to the petition of another by the same person, the
28 person filing the competing petition and opposition shall be charged
29 a filing fee only for the competing petition.

30 (d) Notwithstanding Section 70658.5, if a petition for
31 appointment of a temporary guardian or conservator is filed
32 together with a petition for appointment of a guardian or
33 conservator under subdivision (a), or a competing petition under
34 subdivision (c) by the same person, the person filing the petitions
35 shall be charged the applicable filing fees for both petitions.

36 (e) The uniform filing fee charged under this section shall be
37 distributed as provided in Section 68085.3.

38 (f) No fee under this section shall be charged for objections or
39 any other paper in opposition filed by or on behalf of the proposed

1 conservatee, or the minor or a parent of the minor who is the
2 subject of a guardianship proceeding.

3 SEC. 19. Section 70654 of the Government Code is amended
4 to read:

5 70654. (a) The uniform filing fee for a petition for appointment
6 of a guardian of the person only, is two hundred five dollars (\$205).

7 (b) Except as provided in subdivision (e), the uniform filing fee
8 for objections or any other paper in opposition to a petition under
9 subdivision (a) is two hundred five dollars (\$205).

10 (c) If a competing petition for appointment of a guardian subject
11 to the fee under subdivision (a) is filed together with opposition
12 to the petition of another by the same person, the person filing the
13 competing petition and opposition shall be charged a filing fee
14 only for the competing petition.

15 (d) Notwithstanding Section 70658.5, if a petition for
16 appointment of a temporary guardian is filed together with a
17 petition for appointment of a guardian under subdivision (a), or a
18 competing petition under subdivision (c) by the same person, the
19 person filing the petitions shall be charged the applicable filing
20 fees for both petitions.

21 (e) No fee under this section shall be charged for objections or
22 any other paper in opposition filed by or on behalf of the minor or
23 a parent of the minor who is the subject of the proceeding.

24 (f) The uniform filing fee charged under this section shall be
25 distributed as provided in Section 68085.4.

26 (g) No other fees shall be charged for filing a paper under this
27 section in addition to the uniform filing fee provided for in this
28 section.

29 SEC. 20. Section 70655 of the Government Code is amended
30 to read:

31 70655. (a) The uniform filing fee for a petition that commences
32 any of the proceedings under the Probate Code listed in subdivision
33 (c) is three hundred fifty-five dollars (\$355).

34 (b) The uniform filing fee for objections or any other paper filed
35 in opposition to a petition under subdivision (a) is three hundred
36 fifty-five dollars (\$355).

37 (c) This section applies to petitions or opposition concerning
38 the following proceedings:

39 (1) A petition for compromise of a minor's claim pursuant to
40 Section 3600 of the Probate Code.

1 (2) A petition to determine succession to real property pursuant
2 to Section 13151 of the Probate Code.

3 (3) A spousal or domestic partnership property petition pursuant
4 to Section 13650 of the Probate Code, except as provided in Section
5 13652 of the Probate Code.

6 (4) A petition to establish the fact of death to determine title to
7 real property under Section 200 of the Probate Code.

8 (5) A petition for an order concerning a particular transaction
9 pursuant to Section 3100 of the Probate Code.

10 (6) A petition concerning capacity determination and health
11 care decision for *an* adult without conservator pursuant to Section
12 3200 of the Probate Code.

13 (7) A petition concerning an advance health care directive
14 pursuant to Section 4766 of the Probate Code.

15 (8) A petition concerning a power of attorney pursuant to Section
16 4541 of the Probate Code.

17 (9) A petition for approval, compromise, or settlement of claims
18 against a deceased settlor, or for allocation of amounts due between
19 trusts, pursuant to Section 19020 of the Probate Code.

20 (10) Any other petition that commences a proceeding under the
21 Probate Code not otherwise provided for in this article.

22 (d) The uniform filing fee charged under this section shall be
23 distributed as provided in Section 68085.3.

24 SEC. 21. Section 70656 of the Government Code is amended
25 to read:

26 70656. (a) The uniform filing fee for a petition requesting an
27 order setting aside a decedent's estate of small value pursuant to
28 Section 6602 of the Probate Code, if no estate proceeding is
29 pending for the decedent, is two hundred five dollars (\$205).

30 (b) The uniform filing fee for objections or any other paper filed
31 in opposition to a petition under subdivision (a) is two hundred
32 five dollars (\$205).

33 (c) If a petition or objections or any other paper in opposition
34 under this section is filed concurrently with a petition for
35 appointment of a personal representative described in Section
36 70650, the petitioner or objector shall be charged only for the filing
37 fee provided in Section 70650.

38 (d) The uniform filing fee charged under this section shall be
39 distributed as provided in Section 68085.4.

(e) Except as provided in subdivision (c), no other fee shall be charged for filing a paper under this section in addition to the uniform filing fee provided for in this section.

SEC. 22. Section 70657.5 of the Government Code is amended to read:

70657.5. (a) The uniform fee for filing the following petitions or applications, and objections or other opposition, is forty dollars (\$40):

(1) Petitions or applications, or opposition, concerning the internal affairs of a trust that are not subject to the filing fees provided in Section 70650, 70651, or 70652.

(2) Petitions or applications, or objections, filed subsequent to issuance of temporary letters of conservatorship or guardianship or letters of conservatorship or guardianship that are not subject to the filing fee provided in subdivision (a) of Section 70658.

(3) Petitions or applications, or objections, filed subsequent to issuance of special letters of administration or letters testamentary or of administration in decedent's estate proceedings that are not subject to the filing fee provided in subdivision (a) of Section 70658.

(4) The first or subsequent petition for special letters of administration without the powers of a general personal representative.

(5) The first or subsequent petition for temporary letters of conservatorship or guardianship.

(b) No fee is payable under this section for any of the following:

(1) A petition or opposition filed subsequent to issuance of letters of temporary guardianship or letters of guardianship in a guardianship described in Section 70654.

~~(2) A petition filed by a personal representative of a decedent's estate commenced on or after August 18, 2003, that is described or referred to in subdivision (d) of Section 70658.~~

~~(3)~~

(2) A disclaimer of an interest in a decedent's estate.

~~SEC. 22.~~

SEC. 23. Section 70658 of the Government Code is amended to read:

70658. (a) Except as provided in ~~subdivisions (e) and (d)~~ *subdivision (c)*, the uniform fee for filing a petition or application, or objections or any other paper in opposition to a petition or

1 application listed in this subdivision, filed after issuance of letters
2 testamentary, letters of administration, letters of special
3 administration to a personal representative of a decedent's estate,
4 or letters of guardianship or conservatorship, or letters of temporary
5 guardianship or conservatorship to a guardian or conservator, is
6 two hundred five dollars (\$205). This section shall apply to the
7 following petitions or applications, or opposition:

8 (1) Petition or application for or opposition to an order directing,
9 authorizing, approving, or confirming the sale, lease, encumbrance,
10 grant of an option, purchase, conveyance, or exchange of property.

11 (2) Petition or application for or opposition to an order settling
12 an account of a fiduciary.

13 (3) Petition or application for or opposition to an order
14 authorizing, instructing, or directing a fiduciary, or approving or
15 confirming the acts of a fiduciary.

16 (4) Petition or application for or opposition to an order fixing,
17 authorizing, allowing, or directing payment of compensation or
18 expenses of an attorney.

19 (5) Petition or application for or opposition to an order fixing,
20 authorizing, allowing, or directing payment of compensation or
21 expenses of a fiduciary.

22 (6) Petition or application for or opposition to an order
23 surcharging or removing a fiduciary.

24 (7) Petition or application for or opposition to an order
25 transferring or authorizing the transfer of the property of an estate
26 to a fiduciary in another jurisdiction.

27 (8) Petition or application for or opposition to an order allowing
28 a fiduciary's request to resign.

29 (9) Petition or application for or opposition to an order
30 adjudicating the merits of a claim made under Part 19 (commencing
31 with Section 850) of Division 2 of the Probate Code.

32 (10) Petition or application for or opposition to an order granting
33 permission to fix the residence of a ward or conservatee at a place
34 not within this state.

35 (11) Petition or application for or opposition to an order
36 directing, authorizing, approving, or modifying payments for
37 support, maintenance, or education of a ward or conservatee or
38 for a person entitled to support, maintenance, or education from a
39 ward or conservatee.

1 (12) Petition or application for or opposition to an order granting
2 or denying a request under Section 2423, concerning payment of
3 surplus income to the relatives of a conservatee, or Section 2580,
4 concerning substituted judgment, of the Probate Code.

5 (13) Petition or application for or opposition to an order affecting
6 the legal capacity of a conservatee pursuant to Chapter 4
7 (commencing with Section 1870) of Part 3 of Division 4 of the
8 Probate Code.

9 (14) Petition or application for or opposition to an order
10 adjudicating the merits of a claim under Article 5 (commencing
11 with Section 2500) of Chapter 6 of Part 4 of Division 4 of the
12 Probate Code.

13 (b) The uniform fee in subdivision (a) shall be distributed as
14 provided in Section 68085.4. No other fee shall be charged for
15 filing a paper under this section in addition to the uniform filing
16 fee provided for in this section.

17 (c) The fee provided in this section shall not be charged for
18 filing any of the following papers:

19 (1) A petition or application, or opposition, in a guardianship
20 proceeding under Section 70654.

21 (2) A disclaimer of an interest in a decedent's estate.

22 ~~(d) The fee provided in this section shall not be charged to a~~
23 ~~personal representative of a decedent's estate in a proceeding~~
24 ~~commenced on or after August 18, 2003, for any petition or~~
25 ~~application filed in the proceeding by the personal representative~~
26 ~~concerning any of the following actions:~~

27 ~~(1) Allowance of the personal representative's compensation.~~

28 ~~(2) Allowance of the compensation for the attorney for the~~
29 ~~personal representative.~~

30 ~~(3) Settlement of accounts.~~

31 ~~(4) Preliminary and final distributions and discharge.~~

32 ~~(5) Sale of property of the estate to the personal representative~~
33 ~~or to the attorney for the personal representative.~~

34 ~~(6) Exchange of property of the estate for property of the~~
35 ~~personal representative or property of the attorney for the personal~~
36 ~~representative.~~

37 ~~(7) Grant of an option to purchase property of the estate to the~~
38 ~~personal representative or to the attorney for the personal~~
39 ~~representative.~~

1 ~~(8) Allowance, payment, or compromise of a claim of the~~
2 ~~personal representative, or the attorney for the personal~~
3 ~~representative, against the estate.~~

4 ~~(9) Compromise or settlement of a claim, action, or proceeding~~
5 ~~by the estate against the personal representative or the attorney for~~
6 ~~the personal representative.~~

7 ~~(10) Extension, renewal, or modification of the terms of a debt~~
8 ~~or other obligation of the personal representative or the attorney~~
9 ~~for the personal representative owing to or in favor of the decedent~~
10 ~~or the estate.~~

11 ~~(11) Sale, exchange, or grant of an option to purchase real~~
12 ~~property.~~

13 ~~(12) Borrowing money with the loan secured by an encumbrance~~
14 ~~on real property.~~

15 ~~SEC. 23.~~

16 ~~SEC. 24.~~ Section 70670 of the Government Code is amended
17 to read:

18 70670. (a) The uniform fee for filing the first paper in a
19 proceeding under the Family Code, other than a proceeding for
20 dissolution of marriage or domestic partnership, legal separation,
21 or nullity, is three hundred fifty-five dollars (\$355). The fee shall
22 be distributed as provided in Section 68085.3.

23 (b) The uniform fee for filing the first paper in a proceeding for
24 dissolution of marriage or domestic partnership, legal separation,
25 or nullity, is three hundred fifty-five dollars (\$355). The fee shall
26 be distributed as provided in Section 68085.3, except that two
27 dollars (\$2) of the funds that would otherwise be distributed to the
28 Trial Court Trust Fund shall be transmitted to the Treasurer for
29 deposit in the Health Statistics Special Fund.

30 (c) The uniform fee for filing the first paper in a proceeding
31 under subdivision (a) on behalf of any respondent, defendant,
32 intervenor, or adverse party, whether separately or jointly, is three
33 hundred fifty-five dollars (\$355). The fee shall be distributed as
34 provided in Section 68085.3.

35 (d) The uniform fee for filing the first paper in a proceeding
36 under subdivision (b) on behalf of any respondent, defendant,
37 intervenor, or adverse party, whether separately or jointly, is three
38 hundred fifty-five dollars (\$355). The fee shall be distributed as
39 provided in Section 68085.3.

1 (e) The fees in this section do not apply to papers filed for the
2 purpose of making a disclaimer.

3 ~~SEC. 24.~~

4 *SEC. 25.* Section 103470 of the Health and Safety Code is
5 amended to read:

6 103470. The fee for filing the petition is two hundred five
7 dollars (\$205). This fee shall be distributed as provided in Section
8 68085.4 of the Government Code. The petition may be heard by
9 any judge hearing probate matters, or if a probate department has
10 been designated for hearing probate matters, the matter shall be
11 assigned to the probate department for hearing.

12 ~~SEC. 25.~~

13 *SEC. 26.* Section 1465.8 of the Penal Code is amended to read:

14 1465.8. (a) (1) To ensure and maintain adequate funding for
15 court security *and court facilities*, a fee of sixty dollars (\$60) shall
16 be imposed on every conviction for a criminal offense, including
17 a traffic offense, except parking offenses as defined in subdivision
18 (i) of Section 1463, involving a violation of a section of the Vehicle
19 Code or any local ordinance adopted pursuant to the Vehicle Code.

20 (2) For the purposes of this section, “conviction” includes the
21 dismissal of a traffic violation on the condition that the defendant
22 attend a court-ordered traffic violator school, as authorized by
23 Sections 41501 and 42005 of the Vehicle Code. This security fee
24 shall be deposited in accordance with subdivision (d), and may
25 not be included with the fee calculated and distributed pursuant to
26 Section 42007 of the Vehicle Code.

27 (b) This fee shall be in addition to the state penalty assessed
28 pursuant to Section 1464 and may not be included in the base fine
29 to calculate the state penalty assessment as specified in subdivision
30 (a) of Section 1464. The penalties authorized by Chapter 12
31 (commencing with Section 76000) of Title 8 of the Government
32 Code, and the state surcharge authorized by Section 1465.7, do
33 not apply to this fee.

34 (c) When bail is deposited for an offense to which this section
35 applies, and for which a court appearance is not necessary, the
36 person making the deposit shall also deposit a sufficient amount
37 to include the fee prescribed by this section.

38 (d) Notwithstanding any other provision of law, the fees
39 collected pursuant to subdivision (a) shall all be deposited in a
40 special account in the county treasury and transmitted therefrom

1 monthly to the Controller for deposit as follows: one-third of all
2 amounts collected shall be deposited in the Trial Court Trust Fund
3 and two-thirds of all amounts collected shall be deposited in the
4 Immediate and Critical Needs Account of the State Court Facilities
5 Construction Fund, established in Section 70371.5 of the
6 Government Code.

7 (e) The Judicial Council shall provide for the administration of
8 this section.

9 ~~SEC. 26.~~

10 *SEC. 27.* Section 7660 of the Probate Code is amended to read:

11 7660. (a) If a public administrator takes possession or control
12 of an estate pursuant to this chapter, the public administrator may,
13 acting as personal representative of the estate, summarily dispose
14 of the estate in the manner provided in this article in either of the
15 following circumstances:

16 (1) The total value of the property in the decedent's estate does
17 not exceed the amount prescribed in Section 13100. The authority
18 provided by this paragraph may be exercised only upon order of
19 the court. The order may be made upon ex parte application. The
20 fee to be allowed to the clerk for the filing of the application is
21 two hundred five dollars (\$205). The authority for this summary
22 administration of the estate shall be evidenced by a court order for
23 summary disposition.

24 (2) The total value of the property in the decedent's estate does
25 not exceed thirty thousand dollars (\$30,000). The authority
26 provided by this paragraph may be exercised without court
27 authorization.

28 (A) A public administrator who is authorized to summarily
29 dispose of property of a decedent pursuant to this paragraph may
30 issue a written certification of Authority for Summary
31 Administration. The written certification is effective for 30 days
32 after the date of issuance.

33 (B) A financial institution, government or private agency,
34 retirement fund administrator, insurance company, licensed
35 securities dealer, or other person shall, without the necessity of
36 inquiring into the truth of the written certification of Authority for
37 Summary Administration and without court order or letters being
38 issued do all of the following:

39 (i) Provide the public administrator complete information
40 concerning any property held in the name of the decedent,

1 including the names and addresses of any beneficiaries or joint
2 owners.

3 (ii) Grant the public administrator access to a safe-deposit box
4 or storage facility rented in the name of the decedent for the
5 purpose of inspection and removal of property of the decedent.
6 Costs and expenses incurred in accessing a safe-deposit box or
7 storage facility shall be borne by the estate of the decedent.

8 (iii) Surrender to the public administrator any property of the
9 decedent that is held or controlled by the financial institution,
10 agency, retirement fund administrator, insurance company, licensed
11 securities dealer, or other person.

12 (C) Receipt by a financial institution, government or private
13 agency, retirement fund administrator, insurance company, licensed
14 securities dealer, or other person of the written certification
15 provided by this article shall do both of the following:

16 (i) Constitute sufficient acquittance for providing information
17 or granting access to a safe-deposit box or a storage facility and
18 for surrendering any property of the decedent.

19 (ii) Fully discharge the financial institution, government or
20 private agency, retirement fund administrator, insurance company,
21 licensed securities dealer, or other person from liability for any
22 act or omission of the public administrator with respect to the
23 property, a safe-deposit box, or a storage facility.

24 (b) Summary disposition may be made notwithstanding the
25 existence of the decedent's will, if the will does not name an
26 executor or if the named executor refuses to act.

27 (c) Nothing in this article precludes the public administrator
28 from filing a petition with the court under any other provision of
29 this code concerning the administration of the decedent's estate.

30 (d) Petitions filed pursuant to this article shall contain the
31 information required by Section 8002.

32 (e) If a public administrator takes possession or control of an
33 estate pursuant to this chapter, this article conveys the authority
34 of a personal representative as described in Section 9650 to the
35 public administrator to summarily dispose of the estates pursuant
36 to the procedures described in paragraphs (1) and (2) of subdivision
37 (a).

38 (f) The fee charged under paragraph (1) of subdivision (a) shall
39 be distributed as provided in Section 68085.4 of the Government
40 Code. When an application is filed under that paragraph, no other

1 fees shall be charged in addition to the uniform filing fee provided
2 for in Section 68085.4 of the Government Code.

3 ~~SEC. 27.~~

4 *SEC. 28.* Section 42007.1 of the Vehicle Code is amended to
5 read:

6 42007.1. (a) The fee collected by the clerk pursuant to
7 subdivision (a) of Section 42007 shall be in an amount equal to
8 the total bail set forth for the eligible offense on the uniform
9 countywide bail schedule plus sixty-four dollars (\$64).

10 (b) Notwithstanding subdivision (b) of Section 42007, the
11 revenue from the sixty-four dollar (\$64) fee collected under this
12 section shall be deposited in the county general fund. Sixty-two
13 and one-half percent of the amount collected under this section
14 and deposited into the county general fund shall be transmitted
15 therefrom monthly to the Controller for deposit in the Immediate
16 and Critical Needs Account of the State Court Facilities
17 Construction Fund, established in Section 70371.5 of the
18 Government Code.

19 ~~SEC. 28.~~

20 *SEC. 29.* This act is an urgency statute necessary for the
21 immediate preservation of the public peace, health, or safety within
22 the meaning of Article IV of the Constitution and shall go into
23 immediate effect. The facts constituting the necessity are:

24 In order to meet the immediate and critical needs of California's
25 aging courthouses at the earliest possible time, it is necessary for
26 this act to take effect immediately.